

Message Text

CONFIDENTIAL

PAGE 01 BERLIN 01628 181610Z

62

ACTION EUR-25

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-07 INR-11 L-03

NSAE-00 NSC-07 PA-04 RSC-01 PRS-01 SP-03 SS-20

USIA-15 SAJ-01 IO-14 MMS-04 NIC-01 DRC-01 /119 W

----- 058505

R 181520Z SEP 74

FM USMISSION BERLIN

TO SECSTATE WASHDC 4002

INFO AMEMBASSY BONN

AMEMBASSY MOSCOW

AMEMBASSY PARIS

USMISSION NATO

C O N F I D E N T I A L BERLIN 1628

E.O. 11652: GDS

TAGS: PGOV, WB, GW, GE, UR

SUBJECT: BRUECKMANN

REFS: STATE 202763

1. FOLLOWING BELOW FOR DEPARTMENT'S CONSIDERATION ARE DRAFT
TALKING POINTS PREPARED FOR USE WITH THE SOVIET:

2. --THE ALLIES UNDERSTAND THEIR RESPONSIBILITIES UNDER
THE QA IN RESPECT TO THE BRUECKMANN AFFAIR AND HAVE FULFILLED
THEM PRIOR TO THE SOVIET STATEMENT (STATE 95966). THROUGH-
OUT THE AFFAIR THE ALLIES HAVE HAD ONLY ONE INTEREST: TO
INSURE THAT NOTHING THEREIN EFFECTED ANY CHANGE IN THE
RELATIONSHIP OF THE FEDERAL CONSTITUTIONAL COURT TO BERLIN
AND THEREBY IN THE RELATIONSHIP OF THE FRG TO BERLIN. TO
THIS END THE ALLIES HAVE CONSISTENTLY REAFFIRMED THE
POSITION, TO WHICH REFERENCE WAS MADE IN THE LETTER OF THE
THREE AMBASSADORS CONVEYING TO THE FEDERAL CHANCELLOR THE
TEXT OF THE QUADRIPARTITE AGREEMENT OF SEPTEMBER 3, 1971,
THAT THE FEDERAL CONSTITUTIONAL COURT HAS NO JURISDICTION
IN RELATION TO BERLIN.

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 BERLIN 01628 181610Z

--EXCEPT FOR THIS POINT, THE DETERMINATION OF WHETHER FRAEULEIN BRUECKMANN IS RETURNED TO THE GDR IS PURELY A MATTER TO BE RESOLVED BY THE COMPETENT GERMAN AUTHORITIES IN ACCORDANCE WITH THE LAW IN FORCE IN BERLIN. THIS THE BERLIN AUTHORITIES ARE IN THE PROCESS OF DOING.

3. IN THE EVENT THAT SOVIETS QUESTION SPECIFICALLY THE PROCEDURES UNDER WHICH THE BERLIN AUTHORITIES ACTED, WE MIGHT ALSO SAY:

--THE BERLIN STAATSANWALT HAS ACTED PURSUANT TO A LAW TAKEN OVER IN BERLIN IN ACCORDANCE WITH ESTABLISHED PROCEDURES. NEITHER THE FACT THAT THE LAW HAS BEEN ADOPTED IN BERLIN NOR ANY DCISIONS TAKEN UNDER IT CAN BE DEEMED IN ANY WAY TO BE CONTRARY TO THE QA.

4. IF THE SOVIETS FOCUS SPECIFICALLY UPON THE FACT THAT THE NEW LAW PROVIDES FOR THE POSSIBILITY OF THE BUDESGERICHTSHOF REVIEWING A DECISION OF THE BERLIN KAMMERGERICHT IN A FUTURE EXTRADITION CASE, WE MIGHT SAY:

--THE PROVISION OF THE LAW PROVIDING THE POSSIBILITY OF REVIEW OF A BERLIN KAMMERGERICHT DECISION BY THE BUNDESGERICHTSHOF MERELY BRINGS THE 1953 LAW ON INNER-GERMAN COOPERATION IN CRIMINAL MATTERS INTO CONFORMITY WITH THE GREAT BULK OF CRIMINAL LEGISLATION LONG IN FORCE IN BERLIN. IT IS FULLY CONSISTENT WITH THE QA. THE ALLIES OF COURSE HAVE TAKEN AND WILL CONTINUE TO TAKE SUCH STEPS AS MAY BE NECESSARY TO ENSURE THAT THE EXERCISE OF JURISDICTION BY COURTS PROVIDED FOR UNDER LEGISLATION ADOPTED IN BERLIN IN NO WAY CONTRAVENES THE LEGEL POSITION WITH RESPECT TO THE LACK OF COMPETENCE OF THE FEDERAL CONSTITUTIONAL COURT IN BERLIN MATTERS.KLEIN

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: EXTRADITION, COURTS, TRIALS
Control Number: n/a
Copy: SINGLE
Draft Date: 18 SEP 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: cunninfx
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974BERLIN01628
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D740262-0114
From: BERLIN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740937/aaaabetm.tel
Line Count: 94
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: STATE 202763
Review Action: RELEASED, APPROVED
Review Authority: cunninfx
Review Comment: n/a
Review Content Flags:
Review Date: 01 MAY 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <01 MAY 2002 by ifshinsr>; APPROVED <07 MAR 2003 by cunninfx>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: BRUECKMANN
TAGS: PGOV, WB, GE, GC, UR, (BRUECKMANN, INGRID)
To: STATE
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005